

REMARKS

Reconsideration of the subject patent application is respectfully requested.

In the Office Action dated September 8, 2005, the Examiner indicates that claims 1, 2, 5-10, 19, and 21-38 are rejected, but that claims 11 and 13-18 remain allowed with claims 39-42 being objected to. The Examiner further explains that the previous indication of allowability for claims 1, 2, 5-10, and 26-32 has been withdrawn and that a new "non-final" rejection is set forth below. Applicants have assumed that the reference in this first paragraph on page 2 of the Office Action referring to the rejection as "non-final" takes precedent over the Office Action Summary Sheet where Box 2a) has been checked, indicating that the Action is final. While there is a certain ambiguity with regard to the status, Applicants are taking steps to place all claims in condition for allowance and favorable action by the Examiner is requested.

In terms of the specific nature of this response, a Terminal Disclaimer is being filed herewith, acknowledging that any patent issuing from the subject application would have its term expire as of the expiration of the term for U.S. Patent Nos. 6,735,940 and 6,820,414, with exceptions for non-payment of maintenance fees or legal actions that might affect the term of one that would not be binding on the others. The Terminal Disclaimer being submitted herewith is believed to be complete and proper in all respects and thereby fully addresses the first issue raised by the Examiner, namely the issue of double patenting.

With regard to the second and only remaining issue raised by the Examiner, claim 38, which stands rejected under 35 U.S.C. §103, has been canceled and claim 39 has been

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amended as an independent claim so as to be a combination of claims 38 and 39. The Examiner had indicated that claim 39 would be allowable if rewritten in this manner.

Accordingly, all issues raised by the Examiner in the most recent Office Action have been addressed and the subject patent application is in condition for allowance.

There is only one final point to mention for purposes of clarification and completeness of the prosecution history. The Office Action dated September 8, 2005 did not specifically mention the status of claims 26-31. This was believed to be an oversight and the Examiner was contacted and this specific matter was discussed. The Examiner, in a subsequent reply telephone call, clarified that claims 26-31, specifically claim 26, should have been included as part of the double patenting rejection, thereby allowing the filing of a proper Terminal Disclaimer to resolve any issues with that group of claims.

In view of the above, favorable action by the Examiner is respectfully requested.

Respectfully submitted,

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